Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/2174

of 19 October 2020

amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste[(1)], and in particular points (a) and (c) of Article 58(1) thereof,

Whereas:

(1) The Conference of the Parties to the Basel Convention decided at its fourteenth meeting held in May 2019, by Decision BC-14/12, to include a new entry for hazardous plastics waste (entry A3210) in Annex VIII and two new entries for non-hazardous plastic waste in Annex II (entry Y48) and Annex IX (entry B3011) to the Basel Convention. Those changes will become effective on 1 January 2021.

(2) It is appropriate for the Union, which is a Party to the Basel Convention, to modify the relevant Annexes to Regulation (EC) No 1013/2006 to take account of changes relating to entries on plastic waste in the Annexes to the Basel Convention.

(3) The Environment Policy Committee to the OECD adopted changes to Appendix 4 of the OECD Decision[(2)], relating to hazardous plastic waste and clarifications in Appendices 3 and 4 of the OECD Decision on 7 September 2020. Those changes will become effective on 1 January 2021. It is appropriate for the Union to modify the relevant Annexes to Regulation (EC) No 1013/2006 to take account of these changes.

(4) This Regulation takes account of the fact that no agreement has been reached within the OECD to incorporate the amendments to the Annexes to the Basel Convention on non-hazardous plastic waste (entries B3011 and Y48) into the Appendices of the OECD Decision.

(5) With respect to export of plastic waste from the Union to third countries and import of plastic waste into the Union from third countries, Annexes III, IV and V to Regulation (EC) No 1013/2006 should be amended to take account of the changes to Annexes II, VIII and IX to the Basel Convention and of the changes to Appendix 4 to the OECD Decision. As a result, from 1 January 2021, the export from the Union and import into

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the Union of plastic waste under entries AC300 and Y48 to and from third countries to which the OECD Decision[(3)] applies will be subject to the procedure of prior written notification and consent. In accordance with points (a) and (b) of Article 36(1) and Annex V of Regulation (EC) No 1013/2006, export of plastic waste under entries A3210 and Y48 will be prohibited to third countries to which the OECD Decision does not apply.

(6) In view of the fact that the Union has submitted a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention, there is no requirement for the Union to implement the changes to the Annexes to the Basel Convention relating to non-hazardous plastic waste (entries B3011 and Y48) in Union law, for shipments between Member States. However, to ensure legal clarity, new entries for shipments of non-hazardous plastic waste within the Union should be introduced in Annexes III, IIIA and IV to Regulation (EC) No 1013/2006 which take account of the terminology used in the new entries B3011 and Y48 in the Basel Convention, and by which current controls on such shipments within the Union are largely maintained.

(7) A number of technical guidelines and guidance documents on the environmentally sound management of various waste streams were adopted at the last meetings of the Conference of the Parties to the Basel Convention. Those technical guidelines and guidance documents provide useful guidance and should therefore be added in Annex VIII to Regulation (EC) No 1013/2006.

(8) Regulation (EC) No 1013/2006 should therefore be amended accordingly.

(9) Since the changes to the Annexes to the Basel Convention and the Appendices to the OECD Decision will become effective on 1 January 2021, the amendments to Regulation (EC) No 1013/2006 that relate to those changes should also become effective on 1 January 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1013/2006 is amended as follows:

(1) Annexes IC, III, IIIA, IV, V and VII are amended in accordance with Annex I to this Regulation;

(2) Annex VIII is replaced by the text in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 1(1) shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 October 2020.

For the Commission

The President

Ursula VON DER LEYEN

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ANNEX I

Annexes IC, III, IIIA, IV, V and VII to Regulation (EC) No 1013/2006 are amended as follows:

(1) in Annex IC, the second paragraph of point 25(e) is replaced by the following:

> Such codes may be included in Annexes IIIA, IIIB, IV (EU48) or IVA of this Regulation. In that case, the Annex number should be stated in front of the codes. As regards Annex IIIA, the relevant code(s) as indicated in Annex IIIA should be used, as appropriate in sequence. Certain Basel entries such as B1100 and B3020 are restricted to particular waste streams only, as indicated in Annex IIIA.;

(2) Annex III is amended as follows:

(a) the title is replaced by the following:

> LIST OF WASTES SUBJECT TO THE GENERAL INFORMATION REQUIREMENTS LAID DOWN IN ARTICLE 18 (“GREEN” LISTED WASTE);

(b) in part I, point (a) is replaced by the following:

> (a) Any reference in Annex IX of the Basel Convention to list A shall be understood as a reference to Annex IV to this Regulation;;

(c) in part I, point (g) is replaced by the following:

> (g) For waste shipped within the Union, Basel entry B3011 does not apply and the following entry applies instead:
>
> EU3011 Plastic waste (note the related entry AC300 in part II of Annex IV, and the related entry EU48 in part I of Annex IV):
>
> Plastic waste listed below, provided it is almost free from contamination and other types of waste[4]:
>
> — Plastic waste almost exclusively[5] consisting of one non-halogenated polymer, including but not limited to the following polymers:
>
> — Polyethylene (PE)
> — Polypropylene (PP)
> — Polystyrene (PS)
> — Acrylonitrile butadiene styrene (ABS)
> — Polyethylene terephthalate (PET)
> — Polycarbonates (PC)
> — Polyethers
>
> — Plastic waste almost exclusively[5] consisting of one cured resin or condensation product, including but not limited to the following resins:
>
> — Urea formaldehyde resins
> — Phenol formaldehyde resins
> — Melamine formaldehyde resins

- Epoxy resins
- Alkyd resins

— Plastic waste almost exclusively[5] consisting of one of the following fluorinated polymers[6]:

- Perfluoroethylene/propylene (FEP)
- Perfluoroalkoxy alkanes:
  - Tetrafluoroethylene/ perfluoroalkyl vinyl ether (PFA)
  - Tetrafluoroethylene/ perfluoromethyl vinyl ether (MFA)
- Polyvinylfluoride (PVF)
- Polyvinylidenefluoride (PVDF)
- Polytetrafluoroethylene (PTFE)

— Polyvinyl chloride (PVC).;

(d) in part II, the following text is deleted:
Solid plastic wastes

GH013	391530 ex 390410—40	Polymers of vinyl chloride;

(3) Annex IIIA is amended as follows:

(a) in point 3, points (d), (e) and (f) are deleted;

(b) the following point 4 is added:

4. The following mixtures of wastes classified under separate indents or sub-indents of one single entry are included in this Annex only for the purposes of shipments within the Union:

(a) mixtures of wastes classified under entry EU3011 and listed under the indent referring to non-halogenated polymers;

(b) mixtures of wastes classified under entry EU3011 and listed under the indent referring to cured resins or condensation products;

(c) mixtures of wastes classified under entry EU3011 and listed under “perfluoroalkoxy alkanes”.;

(4) Annex IV is amended as follows:

(a) the title is replaced by the following:

LIST OF WASTES SUBJECT TO THE PROCEDURE OF PRIOR WRITTEN NOTIFICATION AND CONSENT (“AMBER” LISTED WASTE);

(b) Part I is amended as follows: